

## DEATH THREAT TO ARBUCKLE AND COUNSEL IF ACTOR IS ACQUITTED

(Continued From First Page.)

tions are being taken to prevent any demonstration.

In the poison case the police have been given a good description of the "stranger" both by Miss Morgan and her friend, Miss Pearl Leushy, a movie actress. A systematic search is being made. The District Attorney has offered the aid of his entire staff in finding the poisoner.

Gavin McNab will resume his argument for the defense to-day. He was in the midst of it at adjournment yesterday. It is expected to be the defense's only address.

Assistant District Attorney Friedman summed up for the State yesterday, but did not seem to interest the comedian. He watched the jury. They did not seem to react in appreciable extent to the argument.

"We are not trying Roscoe Arbuckle, the hero of a thousand laughs, ladies and gentlemen of the jury," said Friedman, "but we are trying Roscoe Arbuckle, the man, the caloused man who could stand in the face of suffering and smile; who could see a woman writhing in agony, screaming in pain, and laugh; who could think only of getting this poor dying woman out of his room so there might be no trouble, and who could not think of getting her medical aid.

"You have heard Roscoe Arbuckle's testimony on the stand, and you and I know it was false and well fabricated to meet the facts brought out by the people—facts he could not deny."

He reviewed the testimony of various witnesses, laying stress on that of Fred Fishback.

"Fishback told how he carried this girl into the bath by one arm and one leg," he said. He told it in an attempt to explain away the bruises made on Miss Rappé's body. But when I asked him which arm and which leg he became flustered and lost his compass and mentioned the wrong arm and the wrong leg. Can you imagine a strong man like Fishback carrying a woman by an arm and a leg and asking the assistance of women? Could he not have carried her in his arms? But that would not have explained away the bruises."

**U. S. ON PRE-WAR BASIS IN GERMANY.**

WASHINGTON, Dec. 2.—Full recognition of American Consular officers in Germany has been granted by the Berlin Government, the State Department was advised to-day by Charge d'Affaires Drexel at Berlin. With this recognition the American Government now is functioning throughout Germany as in pre-war days.

**\$40,000 EXPRESS ROBBERY.**

NIAHARA FALLS, Dec. 2.—Armed robbers held up three express company employees here last night, loaded two strong boxes containing \$40,000 into an automobile and drove away, while many persons watching them thought that it was all a joke.

## MRS. RAGONE FAINTS IN COURT AT SIGHT OF HER CHILDREN

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them while she mumbled prayers. During a recess the children gathered about the mother herself, sitting near the entrance to the Birdge of Sighs. She kissed them, hugged them and shuddered.

On the witness stand Mrs. Ragone kept herself fairly well in control, sometimes seeming to be on the verge of tears, then gripping the arms of the chair and going on with the story.

She told frankly of her relations with Luciano. Long before he "got" her, she said, he had been following her at every chance when she left her home. Finally, fifteen days after the birth of her first child, she said, he came into her bedroom after her husband had gone to work.

That time, she said, she repulsed him, even though he deliberately cut her with a stiletto. But she feared him and feared to tell her husband, she said, because "Frank said he would kill me if I did."

Even that threat would not have kept her silent, she said, but Luciano sent a woman to her, Mrs. Leon, wife of the shoemaker in the basement, and this woman said, "Your husband won't believe your story about resisting. Nobody believes those stories. You will be blamed and thrown out. It's better to say nothing."

Having therefore adopted a policy of silence, she said she found herself more than ever in the power of her lover until April, 1920, when the facts could no longer be concealed from her husband, who contemptuously tossed her some money and went away.

"Then I determined to earn a living for myself and my children," she said. "I got a room for \$2 a month at No. 318 East 104th Street, and I got a job making shirt waists and earned from \$29 to \$30 a week. But Frank came to me again and I said I was free, so it would make no difference. On June 25, 1920, he came in at dinner time. Two of the children were there and the other was in the hospital."

Mr. Levy interrupted with "Was that the one who was born deaf and dumb?" But an objection to the question was sustained.

"Frank said he could care for all of us," Mrs. Ragone went on. "I went with him, and we took the children to Staten Island, where he was building a bungalow. I worked hard. I nailed boards. I lifted heavy things. But Frank beat me when I said we were not getting enough to eat. The children ate things they found in the fields. With the aid of neighbors I got back with the children to New York. He followed me and I yielded again, went with him to his mother's home, No. 325 East 105th Street. It was there he told me what I must do—must be a bad woman, go on the street for him."

"I left him again in August and went to my mother's home in 105th Street. But he found me and beat me and threatened me. I told the police and took them to his home and

showed them—showed four policemen—where he kept one revolver under the ice box, wrapped in a blue velvet bag, and another gun under his pillow. The police took the guns, but they did not arrest Frank.

"I told a policeman, too, Mrs. Ray Nicoletti, and begged her to have him arrested, but they said they did not know where he was, and that if I wanted him arrested I better hire a private detective."

She brought her story down to the day of the shooting, Oct. 14. That day, she said, she rose early, dressed and fed the children, spent a moment before the little shrine in her bedroom, then went out to work.

"I was wearing the same clothes that I wear now," she said, and rose to show the jury how small was the coat pocket in which the State says she was carrying a revolver that day. "I met Frank at Second Avenue and 105th Street. He grabbed me by the arms and said I must come back to him and do as he had told me. I broke away, but he caught me. I told him I was earning my own living and would not be bad. Then suddenly I saw he had a revolver in his hand. It was pointing at my stomach. We struggled. I heard a shot. I do not know what happened then."

In answer to a question she said she had given the police a good photograph of Luciano at the time she sought to have him arrested.

## HYLAN FOR INQUIRY OF I. R. T. DIRECTORS BY GRAND JURY

(Continued From First Page.)

poration Counsel O'Brien that all these subjects were touched upon and some thoroughly probed. But the object of the investigation was to show that the condition of the Interborough was not due to the five-cent fare.

All other issues were subordinated to the five-cent fare when had, by that time, been adopted as the issue in the 1921 campaign. The possibility

of prosecution of derelict directors which is now urged by Mayor Hylan were submerged by the spotlight of grand and five-cent fare propaganda.

The statute of limitations did not operate to protect the Interborough directors until Jan. 2, 1921. The inquiry ordered by the Board of Estimate was completed in the late Spring of 1920 although the Corporation Counsel did not render a report until Feb. 25 of this year—nearly two months after the statute of limitations had blocked possible prosecutions.

Mayor Hylan apparently did not know that the statute is believed to have whitewashed the Interborough directors. It is his idea that the Grand Jury ought to do something.

The Mayor also announced that he will direct Corporation Counsel O'Brien to ascertain whether the city of New York hasn't some legal redress in the matter of recovering dividends which may be determined to have been illegally declared.

"The Transit Commission ought to turn over its evidence concerning the Interborough to the District Attorney," said the Mayor to-day. "That official should in turn waste no time in placing the entire matter before the Grand Jury, to the end that the rights of an honest investing public may be protected in the future."

"I will ask the Corporation Counsel to go over the minutes of the transit hearings to ascertain if there isn't some way that the city can get legal redress for the loss of returns on its investment of almost \$300,000,000 in the subway. It seems to me that the high-handed and frenzied financial manipulation of the Interborough directors has tended to delay and postpone the day when the city would realize some return on its subway properties."

Comptroller Craig said: "The directors of the Interborough should be treated according to law. There should be no distinction or discrimination made in their favor. The District Attorney should examine the facts, and

if a crime has been committed, those responsible should be prosecuted.

"Furthermore, if the investors who have been victims of the directors' market manipulations are alert to their own interests they will see that their losses are made good to them by the directors whose illegal actions were responsible for the losses."

Corporation Counsel O'Brien hadn't heard from Mayor Hylan when asked what action his office proposed taking.

"The entire traction matter is being carefully gone over," said Mr. O'Brien, "but at this time I am not prepared to state just what action the city proposes taking. I may have something definite to announce later to-day."

Some of the newspapers yesterday evening and this morning in reports of yesterday's hearing before Justice Burr in the matter of Verner et al. vs. the Interborough, stated that De-lancey Nicoll, Interborough counsel, informed the court that \$2,000,000 worth of the note issue figuring in the Verner controversy is being paid off at the rate of from \$20,000 to \$30,000 a day.

This statement, which was erroneous, did not appear in The Evening World, but in justice to interested persons, The Evening World quotes Frank Hedley of the Interborough. "What was said in court," said Mr. Hedley to-day, "was that the remaining \$2,000,000 of the original \$8,000,000 were being deposited for extension at the rate of \$20,000 to \$30,000 a day. Not a single note has been paid and the company has no funds to pay any of these notes. They must be extended if the noteholders desire to avoid a receivership of the company in the near future."

The Transit Commission prepared to-day for its investigation of the Brooklyn Rapid Transit Company, which it will take up on resuming its sessions next Tuesday. Meantime the members will seek some other means of getting information relative to Interborough dividends, the six directors called yesterday having refused to waive immunity.

**WOMEN VOTERS TO CONVENE.**

The New York City League of Women Voters, Miss Mary Garrett Hay, Chairman, will hold a series of Assembly District conventions throughout the city Dec. 5 for the election of officers and the adoption of programming of work for the coming year.

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